

SECOND REGULAR SESSION

# HOUSE BILL NO. 2097

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SEITZ.

4248H.01I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapters 197 and 198, RSMo, by adding thereto two new sections relating to visitation rights in certain facilities.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 197 and 198, RSMo, are amended by adding thereto two new sections, to be known as sections 197.148 and 198.094, to read as follows:

**197.148. 1. The provisions of this section shall be known and may be cited as the "No Patient Left Behind Act".**

**2. For purposes of this section, the following terms mean:**

**(1) "Government entity":**

**(a) Any agency or instrumentality of the state government including, but not limited to, the department of health and senior services; or**

**(b) Any political subdivision or agency or instrumentality thereof;**

**(2) "Hospital", the same meaning given to the term in section 197.020;**

**(3) "Political subdivision", any municipality, local governmental body, county, city, town, or village.**

**3. No hospital shall terminate or suspend the right of any patient who is confined in the hospital to receive visitors at any time, including during an emergency declared under chapter 44.**

**4. A hospital shall not require any patient to waive the right to receive visitors as described in subsection 3 of this section.**

**5. Every hospital shall post in a prominent location in the hospital informational materials about the rights of patients described in this section.**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **6. Nothing in this section shall be construed to prohibit hospitals from adopting**  
19 **reasonable safety restrictions or requirements for visitors.**

20           **7. No government entity shall:**

21           **(1) Require a hospital to implement a policy that violates the provisions of this**  
22 **section; or**

23           **(2) Adopt any ordinance, rule, or regulation that is inconsistent with the**  
24 **hospital's duties under this section.**

**198.094. 1. For purposes of this section, the following terms mean:**

2           **(1) "Essential caregiver", any individual who has been given consent by a**  
3 **resident or by the resident's guardian or legal representative to provide health care**  
4 **services or assistance with activities of daily living to help maintain or improve the**  
5 **quality of care or quality of life of the resident;**

6           **(2) "Immediate family member", a spouse, child, parent, or sibling of a resident;**

7           **(3) "Long-term care facility", the same meaning given to the term "facility" in**  
8 **section 198.006;**

9           **(4) "Ombudsman", the state ombudsman described in section 192.2305 and any**  
10 **representative of the office established in section 192.2305;**

11           **(5) "Public administrator", any public administrator for a county as described**  
12 **in section 473.730;**

13           **(6) "Resident", the same meaning given to the term in section 198.006.**

14           **2. A long-term care facility shall not adopt a policy in response to an outbreak of**  
15 **a contagious illness that restricts an immediate family member, essential caregiver,**  
16 **ombudsman, or public administrator who is willing to comply with reasonable safety**  
17 **protocols from visiting a resident in person or attending medical appointments with the**  
18 **resident.**

19           **3. A political subdivision shall not require any long-term care facility to adopt a**  
20 **policy that the long-term care facility is prohibited from adopting under subsection 2 of**  
21 **this section.**

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